

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN WILLIAMS, AGNES WELLONS
and ESTATE OF WILLIE WILLIAMS, SR., by
the Personal Representative AGNES WELLONS,

CIVIL CASE NO. 06-CV-12809

Plaintiffs,

v.

HON. STEPHEN J. MURPHY, III
U.S. DISTRICT COURT JUDGE

CITY OF DETROIT, a Municipal Corporation,

Defendant.

_____ /

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed this cause of action on June 7, 2006, in the Circuit Court for the Third Judicial District of Michigan. The case was removed to this Court on June 23, 2006. After conducting a hearing on August 13, 2007, the Court sanctioned counsel for Defendant and reset the dispositive motion cut-off date. Defendant subsequently filed a motion for summary judgment.

Magistrate Judge Paul J. Komives issued a report and recommendation on July 28, 2008, recommending that Defendant's motion be granted with respect to Plaintiff's Fifth Amendment claim. The magistrate judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear

that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Komives' report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the July 28, 2008 Report and Recommendation [docket entry #33] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment [docket entry #25] is **GRANTED** with respect to Plaintiff's Fifth Amendment claim; the cause of action is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dated: September 11, 2008

s/Stephen J. Murphy, III
HONORABLE STEPHEN J. MURPHY, III
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on September 11, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Jane K. Mills; Christopher S. Varjabedian, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845